

flavor, but, on the contrary, contained merely ordinary flavoring material prepared from essential oils.

On March 26, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3429. Misbranding of jellies and preserves. U. S. v. National Pickle & Canning Co. Plea of guilty. Fine, \$140. (F. & D. No. 4203. I. S. Nos. 476-d, 477-d, 478-d, 479-d, 480-d, 481-d, 482-d.)

On June 13, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Pickle & Canning Co., a corporation, St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 10, 1911, from the State of Missouri into the State of Colorado, of quantities of jellies and preserves which were adulterated and misbranded.

One of the jelly products was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples Granulated Sugar Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Solids by drying (per cent).....	76.14
Nonsugar solids (per cent).....	1.06
Sucrose by Clerget (per cent).....	56.00
Reducing sugars as invert before inversion (per cent).....	19.08
Commercial glucose (factor 163): None.	
Polarization, direct, at 20° C. (°V.).....	+52.00
Polarization, invert, at 22.5° C. (°V.).....	-21.60
Polarization, invert, at 87° C. (°V.).....	-1.20
Ash (per cent).....	0.46
Alkalinity of ash (cc N/10 acid per 100 grams).....	51
Acids (cc N/10 alkali per 100 grams).....	72
P ₂ O ₅ (determined in ash) (per cent).....	0.16
P ₂ O ₅ (percentage in ash).....	34.8
As ₂ O ₃ (mg per kilo).....	0.1

Another product was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples—Blackberries Granulated Sugar—Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent).....	76.00
Nonsugar solids (per cent).....	4.60
Sucrose by Clerget (per cent).....	46.83
Reducing sugars as invert before inversion (per cent).....	24.57
Commercial glucose: None.	
Polarization, direct, at 20° C. (°V.).....	+39.20
Polarization, invert, at 24° C. (°V.).....	-22.00
Polarization, invert, at 87° C. (°V.).....	-1.60
Ash (per cent).....	0.45
Alkalinity of ash (cc N/10 acid per 100 grams).....	47
Acids (cc N/10 alkali per 100 grams).....	87

P ₂ O ₅ (determined in ash) (per cent)-----	0.17
P ₂ O ₅ (percentage in ash)-----	37.4
As ₂ O ₃ (mg per kilo)-----	0.38

Another product was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples—Raspberries Granulated Sugar Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent)-----	77.80
Nonsugar solids (per cent)-----	5.02
Sucrose by Clerget (per cent)-----	58.40
Reducing sugars as invert before inversion (per cent)-----	14.38
Commercial glucose: None.	
Polarization, direct, at 20° C. (°V.)-----	+52.60
Polarization, invert, at 23° C. (°V.)-----	-24.0
Polarization, invert, at 87° C. (°V.)-----	-0.80
Ash (per cent)-----	0.50
Alkalinity of ash (cc N/10 acid per 100 grams)-----	54
Acids (cc N/10 alkali per 100 grams)-----	74
P ₂ O ₅ (determined in ash) (per cent)-----	0.18
P ₂ O ₅ (percentage in ash)-----	35.6
As ₂ O ₃ (mg per kilo)-----	0.38

Another product was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples Currants Granulated Sugar Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent)-----	77.46
Nonsugar solids (per cent)-----	3.31
Sucrose by Clerget (per cent)-----	48.06
Reducing sugars as invert before inversion (per cent)-----	26.09
Commercial glucose: None.	
Polarization, direct, at 20° C. (°V.)-----	+38.00
Polarization, invert, at 24° C. (°V.)-----	-24.80
Polarization, invert, at 87° C. (°V.)-----	-2.00
Ash (per cent)-----	0.46
Alkalinity of ash (cc N/10 acid per 100 grams)-----	48
Acids (cc N/10 alkali per 100 grams)-----	99
P ₂ O ₅ (determined in ash) (per cent)-----	0.16
P ₂ O ₅ (percentage in ash)-----	35.5
As ₂ O ₃ (mg per kilo)-----	0.1

Adulteration of the foregoing products was alleged in the information for the reason that jelly containing added phosphoric acid had been mixed and packed with said articles and products so as to, and it did, reduce, lower, and injuriously affect the quality and strength of said articles and products; and, further, in this, that jelly containing added phosphoric acid had been substituted wholly or in part for the pure fruit jellies which the said articles then and there purported to be. Misbranding of the products was alleged in the information for the reason that said statement on the labels aforesaid, to wit, "Pure Fruit Jelly," was false and misleading for the reason that it conveyed the impression that said products were prepared from the fruits named on said labels, together with other normal ingredients of fruit jellies, whereas, in truth and in fact,

said products were mixtures of said fruit jellies and added phosphoric acid, which last-named substance is not a normal ingredient of fruit jelly; and that said products were further misbranded in that they were labeled and branded so as to mislead and deceive the purchaser thereof into believing that they were pure fruit jellies, prepared only from fruit and other normal ingredients of said jellies, whereas, in truth and in fact, said products were prepared in part with added phosphoric acid and contained added phosphoric acid, which is not a normal ingredient of fruit jellies.

The first sample of preserves was labeled: "Red Raspberry Preserves—Contains 1/1000 Part Sodium Benzoate—Guaranteed by National Pickle & Canning Co., Dodson-Braun Branch—St. Louis, Mo." On cap: "Cupid Brand." Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent)-----	78.46
Nonsugar solids (per cent)-----	6.14
Sucrose by Clerget (per cent)-----	19.58
Reducing sugars as invert before inversion (per cent)-----	52.74
Commercial glucose: None.	
Polarization, direct, at 22° C. (°V.)-----	+ 5.40
Polarization, invert, at 24° C. (°V.)-----	—20.00
Polarization, invert, at 87° C. (°V.)-----	— 1.60
Ash (per cent)-----	0.27
Alkalinity of ash (cc N/10 acid per 100 grams)-----	25
Acids (cc N/10 alkali per 100 grams)-----	70
P ₂ O ₅ (determined in ash) (per cent)-----	0.07
P ₂ O ₅ (percentage in ash)-----	26.60
As ₂ O ₃ (mg per kilo)-----	1
Sodium benzoate (per cent)-----	0.09

Another sample was labeled: "Strawberry Preserves—Contains Sodium Benzoate—National Pickle & Canning Co., Dodson-Braun Branch—St. Louis, Mo." On cap: "Cupid Brand." Analysis of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent)-----	78.78
Nonsugar solids (per cent)-----	5.12
Sucrose by Clerget (per cent)-----	22.34
Reducing sugars as invert before inversion (per cent)-----	51.32
Commercial glucose: None.	
Polarization, direct, at 22° C. (°V.)-----	+ 9.20
Polarization, invert, at 24° C. (°V.)-----	—20.00
Polarization, invert, at 87° C. (°V.)-----	— 1.20
Ash (per cent)-----	0.38
Alkalinity of ash (cc N/10 acid per 100 grams)-----	49
Acids (cc N/10 alkali per 100 grams)-----	79
P ₂ O ₅ (determined in ash) (per cent)-----	0.11
P ₂ O ₅ (percentage in ash)-----	28.4
As ₂ O ₃ (mg per kilo)-----	0.2
Sodium benzoate (per cent)-----	0.07

Another sample was labeled: "Blackberry Preserves—Contains Sodium Benzoate—National Pickle & Canning Co., Dodson-Braun Branch—St. Louis, Mo." On cap: "Cupid Brand." Analysis of this sample by said Bureau of Chemistry showed the following results:

Solids by drying (per cent)-----	78.26
Nonsugar solids (per cent)-----	10.11

Sucrose by Clerget (per cent)-----	10. 29
Reducing sugars as invert before inversion (per cent)-----	57. 86
Commercial glucose: None.	
Polarization, direct, at 20° C. (°V.)-----	— 5. 4
Polarization, invert, at 23° C. (°V.)-----	—18. 8
Polarization, invert, at 87° C. (°V.)-----	— 1. 2
Ash (per cent) -----	0. 46
Alkalinity of ash (cc N/10 acid per 100 grams)-----	60
Acids (cc N/10 alkali per 100 grams)-----	93
P ₂ O ₅ (determined in ash) (per cent)-----	0. 13
P ₂ O ₅ (percentage in ash)-----	29. 3
As ₂ O ₃ (mg per kilo)-----	0. 4
Sodium benzoate (per cent)-----	0. 08

Adulteration of the three samples of preserves was alleged in the information for the reason that preserves containing added phosphoric acid had been mixed and packed with said articles and products so as to, and it did, reduce, lower, and injuriously affect the quality and strength of said articles and products; and, further, in this, that preserves containing added phosphoric acid had been substituted wholly or in part for the pure fruit preserves which the said articles purported to be.

Misbranding of the first sample of preserves referred to was alleged in the information for the reason that said statement on the label aforesaid, to wit, "Red Raspberry Preserves," was false and misleading for the reason that it conveyed the impression that said product was prepared from the fruit named on said label, together with other normal ingredients of fruit preserves, whereas in truth and in fact said product was a mixture of said fruit preserves and added phosphoric acid which last-named substance is not a normal ingredient of fruit preserves; and that said product was further misbranded in that it was labeled and branded so as to mislead and deceive the purchaser thereof into believing that it was pure fruit preserves, prepared only from fruit and other normal ingredients of said preserves, whereas in truth and in fact said product was prepared in part with added phosphoric acid and contained added phosphoric acid, which is not a normal ingredient of fruit preserves.

Misbranding of the two samples of preserves last referred to was alleged in the information for the reason that the statements on the labels aforesaid, to wit, "Strawberry Preserves" and "Blackberry Preserves," respectively, were false and misleading for the reason that they conveyed the impression that said products were prepared, respectively, from the fruits named on said labels, together with other normal ingredients of fruit preserves, whereas in truth and in fact said products were mixtures of said fruit preserves and added phosphoric acid, which last-named substance is not a normal ingredient of fruit preserves; and that said products were further misbranded in that they were labeled and branded so as to mislead and deceive the purchaser thereof into believing that said products were pure fruit preserves, prepared only from fruit and other normal ingredients of said preserves, whereas in truth and in fact said products were prepared in part with added phosphoric acid and contained added phosphoric acid, which is not a normal ingredient of fruit preserves; and that said products were further misbranded under the terms of Food Inspection Decision 104, which decision was duly adopted and promulgated long before the date of said shipment by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor of the United States, under the authority given them to make rules and regulations for the enforcement of said Food and Drugs Act, and which decision provides that no objection will be raised under the Food and Drugs Act to the use in food of benzoate of soda,

provided that each container or package of said food is plainly labeled to show the presence and amount of benzoate of soda; and that said preserves contained benzoate of soda, but the amount of said benzoate of soda contained therein was not declared on said labels on said products.

On May 13, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$140.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., September 24, 1914.

3430. Adulteration and misbranding of whisky. U. S. v. Pure Food Distilling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 4604. I. S. No. 17379-d.)

On November 5, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 10, 1912, from the State of Missouri into the State of Illinois, of a quantity of whisky, which was adulterated and misbranded. The product was labeled: (On seal over cork) "Absolutely Pure Pure Food Distilling Company Guaranteed under the National Pure Food Law June 1906." (Main label) "Family Trade Whiskey—A pure straight whiskey—No blend No compound No imitation—Pure Food Distilling Co. St. Louis, Missouri."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Proof.....	67.8
Solids (grams per 100 liters, 100° proof).....	558.7
Acids (grams per 100 liters, 100° proof).....	19
Esters (grams per 100 liters, 100° proof).....	5
Aldehydes (grams per 100 liters, 100° proof).....	0
Furfural (grams per 100 liters, 100° proof).....	0.14
Fusel oil (grams per 100 liters, 100° proof).....	26
Total color (degrees Lovibond, 0.5 inch cell, to 100° proof).....	21.3
Color insoluble in amyl alcohol (per cent).....	88
Color insoluble in water (per cent).....	0

Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; and further in that a substance, to wit, water, had been substituted in part for the said article and product. Misbranding was alleged for the reason that the statement "A pure straight whiskey," borne on the label on said package as aforesaid in which it was offered for sale and shipped, was false and misleading because of the fact that said product was not when so shipped pure straight whisky, but was an article consisting of neutral spirits or redistilled spirits artificially colored and reduced with water to 67.8 degrees proof; and said product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, in that it was labeled and branded as a pure straight whisky, whereas, in truth and in fact, said product was not a pure straight whisky, but was a mixture of neutral spirits or redistilled spirits and water, reduced to a much lower proof than pure straight whisky.

On July 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., September 24, 1914.